

**TIPPECANOE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
NOVEMBER 7, 2005**

The Tippecanoe County Commissioners met on Monday, November 7, 2005 at 10:00 A.M. in the Tippecanoe Room in the County Office Building. Commissioners present were: President KD Benson, Vice President John L. Knochel, and Member Ruth E. Shedd. Also present were: Auditor Robert A. Plantenga, Commissioners' Assistant Jennifer Weston, County Attorney David W. Luhman, and Secretary Pauline E. Rohr.

President Benson called the meeting to order and led the Pledge of Allegiance.

APPROVAL OF MINUTES

- Commissioner Knochel moved to approve the Minutes of the October 17, 2005 Regular Meeting and the October 20, 2005, October 21, 2005, October 25, 2005, and October 26, 2005 Executive Meetings as distributed, seconded by Commissioner Shedd; motion carried.

APPROVAL OF ACCOUNTS PAYABLE VOUCHERS

- Upon the recommendation of Commissioners' Assistant Jennifer Weston, Commissioner Shedd moved to approve the Accounts Payable Vouchers through November 7, 2005 as submitted, seconded by Commissioner Knochel; motion carried.

HIGHWAY: Executive Director Opal Kuhl

Open Bids: Bridge #52 Replacement: 150 E over Wea Creek just north of 510 S

Attorney Luhman opened and read the following bids:

Jack Isom Construction Co., Inc.	Bid Bond	\$1,489,017.74
American Contracting & Services, Inc.	Bid Bond	\$1,791,621.08
George R. Harvey & Son, Inc.	Bid Bond	\$1,581,266.36
Beaty Construction Inc.	Bid Bond	\$1,624,584.49
Wirtz & Yates Construction, Inc.	Bid Bond	\$1,623,482.95

- Upon Attorney Luhman's recommendation, Commissioner Knochel moved to take the bids under advisement, seconded by Commissioner Shedd; motion carried.

INDOT Force Account Agreement: HES Project: Intersection of 500 N @ 900 E

Ms Kuhl explained that INDOT has a new form so the Force Account Agreement previously signed in April 2004 by the Commissioners must be rewritten and resubmitted before we can receive the money.

- Commissioner Knochel moved to authorize the Commissioners to resign the INDOT Force Account Agreement for the 500 N @ 900 E project, seconded by Commissioner Shedd; motion carried.

**Street Acceptance: Stonehenge SD Ph II & Ph III, Pt I
Maintenance Bond #1752955: \$33,720: Atlas Excavating, Inc.**

<u>Street Name</u>	<u>Length Ft.</u>	<u>Road Width</u>	<u>R/W Width</u>	<u>Surface</u>	<u>Type</u>
Amesbury Drive	765.00	32'	60'	Concrete	Curb & Gutter
Lintel Drive	790.47	30'	50'	Concrete	Curb & Gutter
Cairnapple Court	336.66	30'	50'	Concrete	Curb & Gutter
Total	1,892.13' = 0.358 Miles		Total Lots: 36 (58-76, 104-120)		

- Commissioner Knochel moved to accept the streets in Stonehenge SD Ph II & Ph III, Pt I into the County Highway System, seconded by Commissioner Shedd; motion carried.
- Commissioner Knochel moved to accept 3 year Maintenance Bond #1752955 in the amount of \$33,720 from Atlas Excavating, Inc. for earthwork, erosion control, storm sewer, and street and curb within the right-of-way for Stonehenge SD Ph II and Ph III Pt I, seconded by Commissioner Shedd; motion carried.

Bridge #52 Project

Right of Entry: Parcels #1, 1A, & 4, DF Properties, LLP

- Commissioner Knochel moved to approve the Right of Entry for Parcels #1, 1A, and 4 for Bridge #52 Project, seconded by Commissioner Shedd; motion carried.

Warranty Deeds:

Key #144-02400-0021:

Key #144-02400-0098:

Key #144-02400-0208: Parcel #1; a part of the NW ¼ of Sec 21, Twp 22 N, R 4 W of the 2nd principal meridian in Wea Twp from DF Properties, LLP.

Key #144-02403-0029: Parcel #4; a part of lot number two (2) in the Slagel Minor SD platted on a part of the NE ¼ of the NW ¼ of Sec 21, Twp 22 N, R 4 W of the 2nd principal meridian in Wea Twp from DF Properties, LLP.

- Commissioner Knochel moved to accept the Warranty Deeds for Parcels # 1 and #4 for Bridge #52 Project, seconded by Commissioner Shedd; motion carried.

Temporary Grant of Right-of-Way:

Key #144-02400-0021:

Key #144-02400-0098:

Key #144-02400-0208: Parcel #1A; a part of the NW ¼ of Sec 21, Twp 22 N, R 4 W of the Second Principal Meridian in Wea Twp from DF Properties, LLP.

- Commissioner Knochel moved to accept the Temporary Grant of Right-of-Way for Bridge #52 Project, seconded by Commissioner Shedd; motion carried.

Warranty Deed:

Key #144-02400-0164: Parcel #3; a part of the NW ¼ of Sec 21, Twp 22 N, R 4 W of the 2nd principal meridian in Wea Twp from Tippecanoe County Board of Parks and Recreation.

- Commissioner Knochel moved to accept the Warranty Deed for Parcel #3 for Bridge #52 Project, seconded by Commissioner Shedd; motion carried.

CR 200 N Project

Warranty Deed:

Key #114-03700-0341: Parcel #3; a part of the NW ¼ of Sec 18, Twp 23 N, R 3 W of the 2nd principal meridian in Perry Twp from Robert V. Rohrman.

- Commissioner Knochel moved to accept the Warranty Deed for Parcel #3 for the 200 N Project, seconded by Commissioner Shedd; motion carried.

ORDINANCE 2005-41-CM: Z-2262, Unity Healthcare R1 to MR (Continued from 10/31/2005)

Ordinance 2005-41-CM will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

- Commissioner Knochel moved to hear and approve Ordinance 2005-41-CM, seconded by Commissioner Shedd.

(quote)

September 22, 2005
Ref. No.: 05-630

Tippecanoe County Commissioners
20 N 3rd Street
Lafayette IN 47901

Attn: Tippecanoe County Auditor

CERTIFICATION

RE: Z-2262 - UNITY HEALTHCARE (R1 to MR):

Petitioner is requesting rezoning of 100.655 acres located on the east side of Creasy Lane, approximately ¼ mile south of Amelia Avenue, Fairfield 35 (SE) 23-4.

Dear County Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on September 21, 2005, the Area Plan Commission of Tippecanoe County voted 14 yes - 0 no on the motion to rezone the subject real estate from R1 to MR. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be approved for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their October 3, 2005 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,

/s/Sallie Dell Fahey
Executive Director

(unquote)

Representing the petitioner, Attorney Joe Bumbleburg requested a zoning change for 100.655 acres located on the east side of Creasy Lane approximately ¼ mile south of Amelia Avenue. The land is located on Creasy Lane, a major north-south road and another north-south road included in the Transportation Plan will be located to the rear of this property. Mr. Bumbleburg said the property is well situation for easy use. The current Unity Medical facility site is full and this adjacent land is available for expansion purposes. He said a medical facility needs extra ground for road structures and parking for the convenience of patients. In his opinion, this use is compatible with other nearby businesses and there is no reason to believe it will infringe on other uses in the area.

Since there were no questions or comments, Auditor Plantenga recorded the vote:

KD Benson	Yes
John Knochel	Yes
Ruth Shedd	Yes

- The motion to approve Ordinance 2005-41-CM passed 3 – 0.

ORDINANCE 2005-46-CM: Z-2266, Lafayette Venetian Blind, Inc. GB to I3

Ordinance 2005-46-CM will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

- Commissioner Knochel moved to hear and approve Ordinance 2005-46-CM, seconded by Commissioner Shedd.

(quote)

October 20, 2005
Ref. No.: 05-687

Tippecanoe County Commissioners

CERTIFICATION

RE: Z-2266 LAFAYETTE VENETIAN BLIND, INC. (GB to I3)
Petitioner is requesting rezoning of two (2) tracts totaling 35.154 acres adjacent to petitioner's manufacturing plant located at 3000 Klondike Road, Wabash 10 (NE) and 3 (SE) 23-5

Dear County Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on October 19, 2005, the Area Plan Commission of Tippecanoe County voted 13 yes - 0 no on the motion to rezone the subject real estate from GB to I3. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be APPROVED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their November 7, 2005 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,
/s/Sallie Dell Fahey
Executive Director

(unquote)

Representing the petitioner, Attorney Mark DeYoung requested a zoning change from GB to I3 for two tracts totaling 35.154 acres adjacent to the existing Lafayette Venetian Blind facility. Since the rules for GB zoning have changed, they are requesting I3 zoning to facilitate the planned expansion of their facility.

Since there were no questions or comments, Auditor Plantenga recorded the vote:

John Knochel	Yes
Ruth Shedd	Yes
KD Benson	Yes

- The motion to approve Ordinance 2005-46-CM passed 3 – 0.

ORDINANCE 2005-47-CM: Grant of a Cable System Franchise: Mulberry Cooperative Telephone Company, Inc.

Attorney Luhman explained that Mulberry Cooperative Telephone Company requested expansion of its television cable system into Tippecanoe County for a term of fifteen (15) years. Approval will allow them to construct their system within Tippecanoe County right-of-ways and on utility poles located in the right-of-ways. The Ordinance provides that, at such time as all other cable systems operating out in the County are requested to pay a fee equal to at least 3% of their gross revenues, that fee will also be imposed on Mulberry Cooperative Telephone Company.

Commissioner Knochel established that Mulberry Cooperative Telephone Company will be required to request permission from the Highway Department to work in the County's right-of-ways.

- Commissioner Knochel moved to approve Ordinance 2005-47-CM to provide for the grant of a cable system franchise for Mulberry Cooperative Telephone Company, Inc. on first reading, seconded by Commissioner Shedd.

President Benson wondered how many cable company franchises are operating in Tippecanoe County and suggested the County may want to begin charging the franchise fee. She asked Commissioners' Assistant Weston to research the number of companies by the next meeting.

Auditor Plantenga recorded the vote:

Ruth Shedd	Yes
KD Benson	Yes
John Knochel	Yes

- The motion to approve Ordinance 2005-47-CM passed 3 – 0 on first reading.

AMBULANCE BIDS: Opened 9/6/2005: Tippecanoe Emergency Ambulance Service Director Scott Wood

Mr. Wood said he is recommending acceptance of Proposal #1 from Life Star Inc. for two (2) 2005 Braun Chief XL ambulances on 2006 Ford F-450 chassis for a final purchase price of \$259,036 which is the highest bid but also the most responsive to the design specifications. He explained that a great deal of design changes were made to the specifications because of past electrical problems, safety and technology issues, and upcoming changes in the industry. He said he knew the price would be higher than prior years due to the changes but, because it was higher than anticipated, he suggested purchasing only one (1) ambulance instead of two (2). Mr. Wood said this option will allow the Commissioners and Council to see why the more expensive ambulance is the most desirable. In addition, he said he would like to recommend a fleet replacement program that will incorporate the design changes.

Attorney Luhman explained he reviewed the bids received in response to the request which was specifically for a bid for two (2) ambulances. He pointed out inconsistencies in the specs which at one point requested the bidder to maintain the price for 30 days after 9/6/2005 and at another point requested a guarantee to maintain the price for 60 days after 9/6/2005. He pointed out that, in either case, the 60 days is past and the Commissioners would not be able to hold them to the price. In addition, because the specifications were for two (2) ambulances, some bidders provided volume pricing. He said at least one bidder indicated the pricing reflected a discount due to volume. Because of this, Attorney Luhman said it is difficult to determine the price of only one (1) unit because you can't just divide by 2. He recommended rejecting all bids and re-bidding with the request for single unit pricing. He stressed the importance of advertising the exact desired specifications so that all bidders are clear on the requirements.

Before the next bids are due, Commissioner Shedd asked Mr. Wood to provide an explanation of the design changes that created such a price difference between the current ambulances and the ambulances in the specifications to help the Commissioners see the reasons for the higher cost.

- Commissioner Knochel moved to reject all ambulance bids and re-advertise for bids for a single unit, two (2) units, and three (3) or more units, seconded by Commissioner Shedd; motion carried.

DATA SHARING AND DISTRIBUTION AGREEMENT: Area Plan Executive Director Sallie Fahey

Mrs. Fahey requested approval of the Agreement between Tippecanoe County and the Federal Emergency Management Agency (FEMA) for the incorporation of the Tippecanoe County GIS Database in FEMA's Flood Insurance Rate Map. There will be no cost to the County.

- Commissioner Knochel moved to approve the Data Sharing and Distribution Agreement with FEMA and to authorize the President of the Board of Commissioners to sign, seconded by Commissioner Shedd; motion carried.

ORDINANCE 2005-42-CM: Amending County Code Section 34.54: Plat Book Fund Real Property Endorsement Fees: Second Reading (First Reading 10/17/2005)

Ordinance 2005-42-CM will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

Auditor Plantenga explained the Auditor currently collects \$5 per deed that is used to maintain the plat books. Following a statute change, the Auditor is now allowed to collect a \$5 fee for each legal description (Key #) per deed. After first reading, a copy of the ordinance was distributed to local companies that record deeds but no response was received.

- Commissioner Knochel moved to approve Ordinance 2005-42-CM on second reading, seconded by Commissioner Shedd.

Auditor Plantenga recorded the vote:

KD Benson	Yes
John Knochel	Yes
Ruth Shedd	Yes

- The motion to approve Ordinance 2005-42-CM passed 3 – 0 on second and final reading.

The effective date is January 1, 2006.

ORDINANCE 2005-43-CM: Amends Section 31.123: Establishes Fees for Electronic Data Products and Services; Restricts Commercial Reproduction of Electronic Data; and Establishes Electronic Map Generating Fund: Second Reading (First Reading 10/17/2005): MITS Executive Director Diane Hawkins

Ordinance 2005-43-CM will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

Mrs. Hawkins noted two additions since the first reading.

- Digital Orthophotography 2005 Color \$1.00 per tile
- Digital Orthophotography for 1997 and 2002 will be free of charge once the 2005 color Orthophotography becomes available.

If approved, the Ordinance will be effective December 1, 2005.

- Commissioner Knochel moved to approve Ordinance 2005-43-CM as amended on second reading, seconded by Commissioner Shedd.

Auditor Plantenga recorded the vote:

John Knochel	Yes
Ruth Shedd	Yes
KD Benson	Yes

- The motion to approve amended Ordinance 2005-43-CM passed 3 – 0 on second and final reading.

AMENDED 2006 HOLIDAY SCHEDULE: Commissioners' Assistant Jennifer Weston

Mrs. Weston noted a date correction from February 12 to February 13 for Lincoln's Birthday, a personal day for those eligible, and the addition of December 26 for Christmas.

- Commissioner Knochel moved to approved the amended 2006 Holiday Schedule, seconded by Commissioner Shedd; motion carried.

AMENDMENT #1: NRCS (Natural Resources Conservation Service) Agreement: Highway Assistant Executive Director Mike Spencer

Mr. Spencer requested approval of the amendment to the agreement with the NRCS entered into on March 2, 2005 for removal of log jams and sandbars. Due to a lower cost, the amount of financial reimbursement is reduced from the estimated \$58,000 to \$43,500.

- Commissioner Knochel moved to approve Amendment #1 to the NRCS Agreement and authorize the President of the Board of Commissioners to sign, seconded by Commissioner Shedd; motion carried.

APPOINTMENTS: Common Wage Board

- Commissioner Knochel moved to approve Wage Board appointments of Stuart Kline for Tippecanoe County Bridge #52 and Betty Michael for the City of West Lafayette projects, Tippecanoe School Corporation projects, and Tippecanoe County Bridge #52, seconded by Commissioner Shedd; motion carried.

UNFINISHED BUSINESS

Trash Transfer Station

President Benson announced that Southside Landfill requested the transfer of the IDEM (Indiana Department of Environmental Management) Operating Permit from Waste Management to Southside Landfill for the Trash Transfer Station. Since one of the requirements to transfer the permit is the signature of the owner, President Benson signed for the Board of Commissioners.

- Commissioner Knochel moved to approve the Operating License for the Tippecanoe County Trash Transfer Station and the transfer of the Operating License to Southside Landfill, Inc. and authorize the President of the Board of Commissioners to sign, seconded by Commissioner Shedd; motion carried.

County Barn (Villa)

President Benson reported Superior Court III Judge Rush is requesting the amount of loss for the County-owned barn located at Tippecanoe Villa that was destroyed in a fire so she can set the amount of restitution for the juveniles who were responsible.

Attorney Luhman said the damages are the value of the barn prior to the fire plus cleanup costs. These records can be provided to the Juvenile Court. President Benson calculated the estimated amount:

Cash settlement from insurance	\$8,800
Deductible	\$5,000
Cleanup	\$1,900
Salvage	-\$200
Total	\$15,500

Commissioner Shedd commented they are still discussing with Tippecanoe School Corporation (TSC) the issue of building another structure and the liability involved. Commissioner Knochel inquired if a letter from the Commissioners asking TSC's intentions regarding the replacement of the barn would be helpful. Attorney Luhman responded he has spoken with TSC representatives and the School Board is not ready to make a determination about what should be done. He pointed out that not just a barn but an intangible opportunity for expression was destroyed.

President Benson asked if the Villa's tenant farmer still keeps cattle at this location and could use a barn. Commissioner Knochel responded he does at certain times of the year and could use a barn, but he doesn't think the farmer is anxious to resume the liability that goes with it.

Building Regulation Fees

Area Plan Executive Director Fahey reported that the Towns of Dayton, Battle Ground, and Clarks Hill will consider a proposed ordinance to make their Building Regulation Fees uniform with Tippecanoe County at their meetings before the end of the year.

Juvenile Justice Center

President Benson reported the receipt of the final report from consultant Mike McMillan regarding a proposed Juvenile Justice Center. She said a joint meeting with the Commissioners and County Council will be set to discuss funding options with the County's Financial Consultant Greg Guerrettaz.

REPORTS

Reports from Tippecanoe County Public Library, Veterans Services, and Wabash River Heritage Corridor Commission are on file in the Commissioners' Office for review.

PUBLIC COMMENT

None.

ADJOURNMENT

- Upon Commissioner Knochel's motion, the meeting adjourned.

BOARD OF COMMISSIONERS OF THE COUNTY OF TIPPECANOE

KD Benson, President

John L. Knochel, Vice President

Ruth E. Shedd, Member

ATTEST:

Robert A. Plantenga, Auditor